

## **FAQs ON POLICY STATEMENT**

### ***1. Have the goals of JTAC changed?***

The primary goals of JTAC have not changed. The Indiana Supreme Court established its Judicial Technology and Automation Committee (JTAC) in 1999 in recognition of the growing impact of modern computer technology and innovation on the business of the judiciary. In order to develop a uniform policy on implementation of information technology by the Indiana Judicial System, the Indiana Supreme Court Judicial Technology and Automation Committee (JTAC) maintains the following three primary goals:

- To equip every Indiana trial court with a 21st century case management system;
- To connect current case management systems, and the 21st century system, as it comes online, with each other and with local and state entities that need and use court information; and
- To provide Indiana judges and court clerks and their staffs with additional computer resources to assist them in their work and better serve the public.

In short, the goal of JTAC is to provide modern technology to the court system in Indiana. The need to modernize our Indiana judiciary is as great today as it has ever been. For JTAC to be successful, it will need to continue to rely on the input, support, and time of the many individuals who make up the Indiana judiciary and assist it in its work including County Clerks, trial court and clerk staff, and the bar. If you have suggestions or would like to be an active volunteer for JTAC, please contact Mary DePrez, Director and Counsel of Trial Court Technology.

### ***2. Is the May 13, 2002 Indiana Supreme Court Policy Statement on Trial Court Case Management Systems still applicable?***

Yes, the May 13, 2002 Indiana Supreme Court Policy Statement on Trial Court Case Management Systems is still applicable. Although it will take JTAC longer than anticipated to reach its goals—and it still has a long way to go—JTAC still believes that it is in the best interest of Indiana's citizens, trial courts, court clerks, law enforcement officials, and lawyers that all of Indiana's courts maintain their records in a statewide computerized case management system that connects courts across county lines and connects courts with local and state entities that need court information.

**3. *What caused the interruption and delay of the Case Management System project and what is its current status?***

On June 28, 2002, JTAC entered into an arrangement with Computer Associates International, Inc. (CA), to provide Indiana with a 21<sup>st</sup> Century case management system (CMS). Since that time much work has been done, but much work remains. Although JTAC had planned to have a case management system installed and tested in a few pilot counties by this time, our original expectations have not been realized.

During the months of August and September, 2004, CA delivered to JTAC a version of the CMS in anticipation of beginning “user acceptance testing” in Clay County and Marion Superior Court Civil Court #6. CA and JTAC identified several issues that raised questions as to whether that version of the CMS was ready for that testing. A number of these issues were associated with the part of the CMS that will automate the clerks’ financial processes. As a result, an “assessment” of that version of the CMS was conducted by CA, JTAC, and personnel from Marion County in November and December, 2004, to validate examine the clerks’ financial and other issues. At the conclusion of the assessment, CA, JTAC, and personnel from Marion County agreed that the clerks’ financial part of that version of the CMS did not satisfy the requirements of the CMS Project. In addition, JTAC and personnel from Marion County believe the assessment identified additional aspects of that version of the CMS that did not meet the requirements of the CMS project.

Three major developments immediately followed the completion of the assessment:

First, JTAC and CA engaged in an intense series of discussions that resulted in an amendment to the existing contract. The amendment includes a commitment from CA to re-do the clerks’ financial part of the CMS at its expense. Leaders at the highest level of CA management have been involved in these discussions.

Second, CA assigned a new project manager to lead the CMS project on its behalf and JTAC hired Crowe Chizek & Co. to provide it with a counterpart project manager.

Third, JTAC revised its CMS project decision-making process in order to (1) make decisions more rapidly, and (2) involve ultimate users of the CMS, particularly personnel from Marion County, more directly in making decisions. As part of the decision-making process, a new CMS Governing Board and Executive Scope Committee were created.

As a result of the assessment and discussions at CMS Governing Board and Executive Committee meetings, the following steps have been or are being taken:

Both CA and JTAC developed and are putting into place revised CMS project staffing plans to meet the needs identified by the assessment and CMS Governing Board and Executive Committee.

The Governing Board has been expanded to increase the number of judges and clerks on it and get greater representation from around the state.

The CMS project staff is reviewing the information previously gathered from more than 300 court representatives from around the state – judges, clerks, court staff, and others – to ensure that all new work will still meet the needs of end users. Functions previously planned for inclusion in the CMS will be reconfirmed in light of business needs and recent technology changes. So as to streamline the statewide CMS, the specific, complex requirements necessary to meet the unique business requirements of Marion County will be segregated into a separate Marion County module.

CA and JTAC have agreed to a new change so that the CMS will be able to be simply downloaded into a PC from the Internet rather than requiring a technician to install it on each individual computer. Because updates will also be done this way, updating will be much easier and faster. Developing a case management system that meets our high standards and the needs of all prospective users has proved to be more complex and difficult than we originally anticipated. As pioneers in the standardizing and interfacing of court technology with other government computer systems, we have embarked on a project of unprecedented complexity and scope. But we will not offer this case management system to Indiana's courts and clerks unless and until we meet the high standards we have set for the project.

Although it is a source of little comfort, it is not unusual for major computer projects to encounter setbacks. But we continue to believe that the system we envision will greatly help courts and clerks in their work, improve public safety, and save taxpayers' money. We are committed to doing this project—and to doing it right—even if it takes longer than previously anticipated.

**4. *Section 4 of the Supreme Court Policy Statement states that “Any county that elects, at its expense, to upgrade substantially an existing or acquire a new case management system other than the statewide case management system may do so only with the written permission of the Division.” What is an “upgrade” in the eyes of the Division?***

Upgrading a computer system is a major undertaking that should not be taken lightly. The upgrading of a trial court case management system raises concerns about a court's ability to meet its obligations under the Rules of Court. Before making an upgrade to its CMS, a Court shall apply for, in writing, and obtain approval of the proposed upgrade, in writing, from the Division.

Upgrades that require Division approval include:

- (1) Instituting a new module, such as probation or jury management;
- (2) Instituting the ability to access data on the Internet, such as allowing the bar or citizens to access the Chronological Case Summary;

- (3) Instituting the ability to access the CMS from the Internet;
- (4) Instituting the ability to receive data electronically from attorneys, such as e-filing;
- (5) Upgrades that cost in excess of \$10,000;
- (6) Instituting the ability to store and access documents electronically; and
- (7) Upgrades that will require your CMS to be inoperable for longer than 72 hours.

**5. *What is the process for receiving approval from the Division for upgrading a system?***

The request must be submitted to the Division at least 60 days prior to the upgrade.

The application must contain:

- (1) A request from the presiding judge stating the desire to receive permission to move forward with the proposed upgrade.
- (2) A description of the proposed change and a detailed analysis of the effect of the proposed change on the court;
- (3) The name of the vendor(s), the cost, and contractual paperwork;
- (4) A brief project plan for the upgrade and appropriate risk mitigation for the implementation; and
- (5) Any additional information requested by the Division to facilitate its decision.

The Division will approve the proposed upgrade if the court demonstrates that the change will not detract from the court's ability to serve the citizens of Indiana and be in compliance with the Rules of Court and the goals of JTAC. Prior to purchasing or upgrading any CMS, counties are strongly encouraged to discuss the matter with the [Director and Counsel of Trial Court Technology] for the Indiana Supreme Court.

**6. *What is the process for receiving approval from the Division for purchasing a new system?***

The request must be submitted to the Division at least 120 days prior to the purchase.

The application must contain:

- (1) A request from the presiding judge stating the desire to receive permission to move forward with a new CMS.

- (2) The name of the vendor(s), the cost, and contractual paperwork;
- (3) A brief project plan for the upgrade and appropriate risk mitigation for the implementation; and
- (4) Any additional information requested by the Division to facilitate its decision.

The Division will approve the request if the court demonstrates that the change will not detract from the court's ability to serve the citizens of Indiana and be in compliance with the Rules of Court and the goals of JTAC. Prior to purchasing or upgrading any CMS, counties are strongly encouraged to discuss the matter with the [Director and Counsel of Trial Court Technology] for the Indiana Supreme Court.

**7. *If I intend to utilize the JTAC CMS, should I consider upgrading my system in the meantime?***

The answer to this question will depend on a variety of factors and the individual circumstances specific to your county. In making this decision you should consider the following factors:

- (1) The Cost of the Upgrade. If you can afford the cost of the upgrade can justify the expense from the time you incur until the time you replace your legacy system, you should upgrade.
- (2) Total Cost of Ownership. It is possible that a new upgrade will result in net savings to you by being less expensive to operate. If this is the case you should consider upgrading.
- (3) Security. It is important to the citizens of Indiana that our courts are doing what they can reasonably do insofar as protecting the integrity of their CMS and the data therein. To the extent that you feel an upgrade can provide you with a higher comfort level insofar as security is concerned, then you should consider upgrading.
- (4) Support. If the system you are currently using is no longer being supported, but a newer version is, you should consider upgrading.
- (5) Improved Functionality. If you desire to increase the functionality of your system and a new version provides that functionality, you should consider upgrading.

**8. *Are there any other Supreme Court Rules that I need to be aware of when contemplating upgrading or purchasing a CMS?***

Naturally, it is important to make sure that your respective court is in compliance with state and federal rules, laws, and regulations. Prior to upgrading or purchasing a new CMS you should consider to what extent your CMS will impact any of these rules, laws, and regulations and your ability to be in compliance thereto.

Although all rules are important, the Supreme Court has a few rules that are specifically on point and should be given extra attention.

First, you and your vendor must consider Administrative Rule 9, which governs access to Court records. Section 9(k) in particular is important for your vendor since it requires you to include in your contract with your vendor an obligation for your vendor to ensure your CMS is in compliance with this rule.

Second, you must consider Trial Rule 77, which governs what court records need to be maintained and how. Further, you must consider Trial Rule 77(k), which provides that you must receive permission from the Division of State Court Administration prior to posting Court data on the Internet.

Third, you must consider Administrative Rule 6, which governs the electronic storage standards of the Supreme Court.

***9. May I receive financial assistance from JTAC to help upgrade my legacy system?***

Unfortunately, no. The General Assembly has provided JTAC with limited funding to provide Indiana with a 21<sup>st</sup> Century Case Management System. At this time, JTAC is not in a financial position to provide financial funding for a CMS other than the one being provided by Computer Associates. However, some financial assistance may be available to assist with the electronic transmission of traffic violation disposition information from courts to the Indiana Bureau of Motor Vehicles. More information on this subject will be announced soon.